

REMARKS

Claims 1-14, 17-38, and 41-48 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Chmielewski (U.S. Patent No. 6,068,620). This ground of rejection is respectfully traversed.

The Examiner states that Chmielewski discloses an absorbent article having a top sheet, a back sheet, and a multi-component absorbent core composite **34** disposed between the top sheet and the back sheet. The Examiner also states that the multi-component absorbent core composite of the reference includes first **340a** and second **342b** separate absorbent core units with different properties. The Examiner further states that both core units are positioned adjacent each other in a lateral direction in a side-to-side relationship, pointing to FIG. 3 of the reference. Applicant respectfully disagrees that the reference anticipates or renders obvious the presently claimed invention.

In order for a claim to be anticipated by a reference, that reference must disclose each and every element of the claimed invention. See *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987) ("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."); see, also, *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989) ("The identical invention must be shown in as complete detail as is contained in the . . . claim.").

The present invention is directed to an absorbent article having a multi-component absorbent core comprising, as separate units, a first absorbent core unit disposed between a pair of second absorbent core units. This embodiment of the invention is shown in FIGS. 3 and 4 of the present specification. In FIG. 4, a multi-component absorbent core is depicted with three core units, including two spaced-apart similar units **286** positioned on either side of central unit **288**. Thus, applicants absorbent core can have at least three separate and distinct core units.

Contrary to the Examiner's position, the presently claimed arrangement of core units is not disclosed or suggested in the Chmielewski reference. Referring to the reference, Chmielewski discloses a central absorbent laminate **340** and a wrapping absorbent laminate **342**. Wrapping absorbent laminate **342** envelops the central laminate

340. Thus, the reference describes an absorbent article core construction having two core units or elements (340 and 342). Element 344 of Chmielewski is specifically described as being a transfer layer that is not part of the core structure. See col. 9, lines 10-15 of the reference. Accordingly, every element of the claimed invention is not disclosed in a single prior art as required for anticipation. See *In Continental Can Co. v. Monsanto Co.*, 948 F.2d 1264, 20 U.S.P.Q.2d (BNA) 1746 (Fed. Cir. 1991), wherein the court summarized the test for anticipation as whether the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Moreover, applicant's claimed core structure is also not thought or suggested by the reference.

Claims 15-16 and 39-40 stand rejected under 35 U.S.C. § 103(a) as being obvious over Chmielewski. This ground of rejection is also traversed.

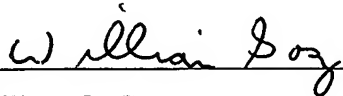
Three criteria must be met to establish a prima facie case of obviousness: (1) there must be some suggestion or motivation to modify the reference or to combine reference teachings, (2) there must be a reasonable expectation of success, and (3) the prior art references must teach or suggest all the claim limitations (MPEP § 2143).

The Examiner states that it would be obvious to use a cellulose ester tow in Chmielewski, and that this would embrace the embodiments covered in the rejected claims. However, applicant points out that, as stated above, the reference does not teach or suggest a multi-component core arrangement as presently claimed in this application.

Accordingly, the present application is now believed to overcome the remaining rejections, and to be in proper condition for allowance. Reconsideration of the rejections and allowance of this application are therefore respectfully solicited. The Examiner is invited to contact the undersigned at the telephone number listed below to facilitate the prosecution of this application.

Respectfully submitted,

Date: June 21, 2006



William G. Gosz
Reg. No. 27,787
Attorney for Applicant
Tel No. 781-863-1116